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*Attorneys for Plaintiffs
Department of Toxic Substances Control and the
Toxic Substances Control Account*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**CALIFORNIA DEPARTMENT OF TOXIC
SUBSTANCES CONTROL and the TOXIC
SUBSTANCES CONTROL ACCOUNT,**

Plaintiffs,

v.

**EXXON MOBIL CORPORATION; E.I.
DUPONT DE NEMOURS AND
COMPANY, INC.; CHEVRON U.S.A.,
INC.; CHEVRON ORONITE COMPANY
LLC; SHELL OIL COMPANY; PACIFIC
GAS AND ELECTRIC COMPANY;
PROLOGIS, INC.; FMC CORPORATION;
UNION PACIFIC RAILROAD
COMPANY; UNITED STATES STEEL
CORPORATION; INTERNATIONAL
BUSINESS MACHINES CORPORATION;
and BAYER CROPSCIENCE, INC.,**

Defendants.

Case No. 2:21-cv-01739-KJM-JDP

**STIPULATION AND ORDER TO
FURTHER EXTEND DEFENDANTS'
DEADLINE TO RESPOND TO THE
COMPLAINT**

Judge: Hon. Kimberly J. Mueller
Trial Date: None Set
Action Filed: September 24, 2021

1 WHEREAS Plaintiffs California Department of Toxic Substances Control and the Toxic
2 Substances Control Account (“Plaintiffs”) filed their complaint on September 24, 2021;

3 WHEREAS all named defendants agreed to waive service of the summons by signing a
4 Notice of Lawsuit and Request to Waive Service of Summons effective December 16, 2021;

5 WHEREAS as a result of the waiver of service, the initial deadline for Defendants to
6 respond to the complaint was February 14, 2022;

7 WHEREAS Plaintiffs agreed to extend that initial deadline for Defendants to respond to the
8 complaint by twenty-eight (28) days from that date, and the parties filed a stipulation for that
9 purpose (Dkt. No. 13), extending Defendants’ time to respond to the complaint to March 14,
10 2022;

11 WHEREAS the IT Sites Cooperating Generators Joint Defense Group (“Joint Defense
12 Group”), of which the below Defendants are members, and Plaintiffs have been engaged in
13 settlement negotiations regarding this matter and three other similar cases, each involving claims
14 related to hazardous waste disposed at landfills that were formerly managed by the IT
15 Corporation and are now overseen by the IT Environmental Liquidating Trust (“ITELT”), an
16 entity created in the IT Corporation bankruptcy. The negotiations are complex due to the multiple
17 sites and different defendants, and the benefits of resolving the cases in unison due to ITELT’s
18 responsibility for each site. Extending the time for the filing of responsive pleadings would allow
19 the negotiations to proceed without need for further litigation or judicial resources; and,

20 WHEREAS Plaintiffs have agreed, pursuant to Local Rule 144(a) to further extend
21 Defendants’ deadline to respond to the complaint by 91 days;

22 THEREFORE, the parties respectfully request that the Court extend the deadline for
23 Defendants to respond to the complaint by 91 days to June 13, 2022.

1 Dated: March 8, 2022

Respectfully submitted,

2 ROB BONTA
3 Attorney General of California
4 TIMOTHY E. SULLIVAN
5 Supervising Deputy Attorney General

6 */s/ Somerset Perry*
7 SOMERSET PERRY
8 Deputy Attorney General
9 *Attorneys for Plaintiffs*
10 *Department of Toxic Substances Control and the*
11 *Toxic Substances Control Account*

12 Dated: March 8, 2022

EDGCOMB LAW GROUP, LLP

13 */s/ John D. Edgcomb*
14 (as authorized on March 8, 2022)

15 John D. Edgcomb
16 *Attorneys for Stauffer Management Company LLC,*
17 *as litigation agent for Defendant Bayer*
18 *CropScience, Inc.*

19 Dated: March 8, 2022

ROGERS JOSEPH O'DONNELL

20 */s/ Robert C. Goodman*
21 (as authorized on March 8, 2022)

22 Robert C. Goodman
23 *Attorneys for Defendant Chevron U.S.A., Inc. and*
24 *Chevron Oronite Company LLC*

25 Dated: March 8, 2022

26 GLYNN, FINLEY, MORTL HANLON &
27 FRIEDENBERG, LLP

28 */s/ Andrew T. Mortl*
(as authorized on March 8, 2022)

Andrew T. Mortl
Attorneys for Defendant E.I. du Pont de Nemours
and Company

1 Dated: March 8, 2022

MORGAN, LEWIS & BOCKIUS LLP

2 /s/ Stephen E. Fitzgerald
3 (as authorized on March 8, 2022)

4 Stephen E. Fitzgerald
Jeremy B. Esterkin

5 LAW OFFICES OF JIA YN CHEN

6 Jia Yn Chen
7 Attorneys for Defendant Exxon Mobil Corporation

8 Dated: March 8, 2022

FARELLA BRAUN + MARTEL LLP

9 /s/ Robert L. Hines
10 (as authorized on March 8, 2022)

11 Robert L. Hines
12 Attorneys for Defendant FMC Corporation

13 Dated: March 8, 2022

MANATT, PHELPS & PHILLIPS, LLP

14 /s/ Peter Duchesneau
15 (as authorized on March 8, 2022)

16 Peter Duchesneau
17 Attorneys for Defendant International Business
18 Machines Corporation

19 Dated: March 8, 2022

LOEB & LOEB LLP

20 /s/ Albert M. Cohen
21 (as authorized on March 8, 2022)

22 Albert M. Cohen
23 Attorneys for Defendant on behalf of PAC
24 Operating Limited Partnership incorrectly named
25 as Prologis, Inc.

26 Dated: March 8, 2022

DOWNEY BRAND LLP

27 /s/ Steven H. Goldberg
28 (as authorized on March 8, 2022)

Steven H. Goldberg
Attorneys for Defendant Union Pacific Railroad
Company

1 Dated: March 8, 2022

EDLIN GALLAGHER HUIE + BLUM

2 /s/ Earl L. Hagstrom
3 (as authorized on March 8, 2022)

4 Earl L. Hagstrom
5 Fred M. Blum
6 Farheena A. Habib
7 *Attorneys for Defendant United States Steel Corporation*

8 Dated: March 8, 2022

BARG COFFIN LEWIS & TRAPP, LLP

9 /s/ Brian S. Haughton
10 (as authorized on March 8, 2022)

11 Brian S. Haughton
12 *Attorneys for Defendant Pacific Gas and Electric Company*

13 Dated: March 8, 2022

SHELL OIL COMPANY

14 /s/ Tonya L. Lewis
15 (as authorized on March 8, 2022)

16 Tonya L. Lewis
17 *In-house Counsel for Defendant Shell Oil Company*

ORDER

The court denies the parties request for a 91-day extension. However, for good cause shown, the court **grants a 60-day extension for defendants to respond to the complaint.** The Status (Pretrial Scheduling) Conference currently scheduled for April 21, 2022, is continued to June 29, 2022, at 2:30 p.m. with the filing of a joint status report due fourteen (14) days prior.

IT IS SO ORDERED.

DATED: March 14, 2022.


CHIEF UNITED STATES DISTRICT JUDGE